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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,311	10/09/2001	Karen I. Trovato	US 010479	8196

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EXAMINER

SUAZO, RAINIER A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/973,311	TROVATO, KAREN I.	
	Examiner	Art Unit	
	Rainier Suazo	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. Claims **1-25** presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 2, 10, 14, 15, 22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismailov et al. (U.S. Patent Number **6,456,603 B1**), hereinafter referenced to as Ismailov in view of Cotner et al. (U.S. Patent Number **6,247,055 B1**) hereinafter referenced to as Cotner.

Ismailov taught a system and method providing access to each subset of the data set via a request for the subset at the select IP address (**column 6 lines 3-5 and column 6 lines 6-9**).

Ismailov did not teach specific details regarding the association of each subset of data comprising the data set to a select IP address of a plurality of IP addresses, at least two of the subsets comprising the data set having different select IP addresses of the plurality of IP addresses, and further including: communicating information to a client system that facilitates the determination of the select IP address for each subset.

Cotner taught specific details regarding the associating each subset of data comprising the data set to a select IP address of a plurality of IP addresses, at least two

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of the subsets comprising the data set having different select IP addresses of the plurality of IP addresses (**abstract and column 1 lines 40-62**), and further including: communicating information to a client system that facilitates the determination of the select IP address for each subset (**column 7 lines 29-39**).

Ismailov and Cornet taught inventions in the same field of invention related to clients-server communication and session management (**see “Field of Invention” in Ismailov and Cornet**).

Ismailov motivates the exploration of the art of sending data to a client to be used to facilitate further communication between the client and the server (**column 6 lines 59-67**).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the methods/systems of Ismailov with the teachings of Cornet, motivated by Ismailov to explore the art of facilitating client-server communication (**column 6 lines 59-67**), in order to provide a system that restores a communication session between a client and a server by request of the client after the IP address of the server have changed, further completing the transmission of data from the server to the client (required by the fact that the server is hosting particular information) (**Ismailov column 1 lines 40-62**), or repeating session restoring steps if required, having the client used a selection process to communicate with the server with which such client have held a communication session.

3. Since all the limitations of claimed invention were disclosed by the combination of Ismailov and Cotner, claims **1, 2, 10, 14, 15, 22 and 23** are rejected.

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4. Claims 3, 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismailov et al. (U.S. Patent Number **6,456,603 B1**), hereinafter referenced to as Ismailov in view of Cotner et al. (U.S. Patent Number **6,247,055 B1**) hereinafter referenced to as Cotner and further in view of Newton's Telecom Dictionary hereinafter referenced to as Newton.

Ismailov combined with Cotner taught the invention substantially as claimed. However the combination of Ismailov and Cotner did not teach specific details regarding communicating information to the client system via a secure communication.

Newton taught the definition of a secure channel and the appropriate uses. Newton also motivates the exploration of the art of using secure cannels with encryption to communicate messages using the Internet. See Newton, **page 655**.

Ismailov motivates the exploration of the art of communicating devices using the Internet. See **abstract**.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the methods/systems of the combination of Ismailov with Cotner, and further combine it with the teachings of Newton, motivated by Ismailov and Newton to explore the art of communication using the Internet (**Ismailov: abstract; Newton: page 655**), in order to provide a system that restores a communication session between a client and a server by request of the client after the IP address of the server have changed, further completing the transmission of data from the server to the client (required by the fact that the server is hosting particular information) (**Ismailov column 1 lines 40-62**), or repeating session restoring steps if required, having the

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client used a selection process to communicate with the server with which such client have held a communication session and using a secure transmission/channel and encryption taught by Newton to overcome the insecure and public nature of the Internet.

5. Since all the limitations of claimed invention were disclosed by the combination of Ismailov and Cotner claims **3, 6 and 16** are rejected.

6. Claims **4 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismailov et al. (U.S. Patent Number **6,456,603 B1**), hereinafter referenced to as Ismailov in view of Cotner et al. (U.S. Patent Number **6,247,055 B1**) hereinafter referenced to as Cotner and further in view of Audebert (U.S. Patent Number **6,694,436 B1**) hereinafter referenced to as Audebert.

The combination of Ismailov and Cotner taught the invention substantially as claimed, however the combination of Ismailov and Cotner did not teach specific details regarding providing access to each subset occurs via a first communication channel, and communicating the information to the client system occurs via a second communication channel that differs from the first communication channel.

Audebert, in the same field of invention related to clients-server communication (**see "Field of Invention"**), taught a terminal and system providing access to different sets of information by means of different communication channels and further adding encryption means in order to provide a secure data transmission and transaction environment (**claims 16-18**)

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Audebert motivates the exploration of the art client-server communication using well-known communication protocols (**column 12 lines 56-63**).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the methods/systems of Ismailov with the teachings of Cornet, motivated by Ismailov to explore the art of facilitating client-server communication (**column 6 lines 59-67**), and further combine the invention with the teachings of Audebert, motivated by Audebert (**column 12 lines 56-63**) to explore the use of well know communication protocols in client-server communication, in order to provide a systems that is able to restore communication sessions to complete data transmission and further comprises security features such and the use of a second communication channel.

7. Since all the limitations of claimed invention were disclosed by the combination of Ismailov, Cotner and Audebert, claims **4 and 17** are rejected.

8. Claims **5, 6, 11-13, 18, 19, 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismailov et al. (U.S. Patent Number **6,456,603 B1**), hereinafter referenced to as Ismailov in view of Cotner et al. (U.S. Patent Number **6,247,055 B1**) hereinafter referenced to as Cotner and further in view of Audebert (U.S. Patent Number **6,694,436 B1**) hereinafter referenced to as Audebert and further in view of Block et al. (U.S. Patent Number **6,658,473**) hereinafter referenced to as Block and further in view of Bhaskaran (U.S. Patent Number **6,266,335**) hereinafter referenced to as Bhaskaran.

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The combination of Ismailov, Cotner and Audebert taught the invention substantially as claimed, however the combination of Ismailov, Cotner and Audebert did not teach specific details regarding conditions based on random selection and encryption.

Block, in the same field of invention related to LAN communication (**see "Field of Invention"**), taught pseudo-random conditions for selection of a server for load balancing (**column 3 lines 25-35**).

Bhaskaran, in the same field of invention related to network communication (**see "Field of Invention"**), taught the use of encryption techniques in TCP/IP communication comprising keys (**column 2 lines 44-65**).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of the combination of Ismailov, Cornet and Audebert with the teachings of Block, motivated by Block to explore the art of wireless communication (**column 3 lines 25-35**) and further combine it with the teachings of Bhaskara, motivated by Bhaskara to explore the art of using TCP/IP in network communication (**column 2 lines 30-43**), in order to provide a systems that is able to restore communication sessions to complete data transmission and further comprises pseudo-random conditional selection of a server and further comprising encryption using public keys to enhance security within the system.

9. Since all the limitations of claimed invention were disclosed by the combination of Ismailov, Cotner, Audebert, Block and Bhaskara, claims **5, 6, 11-13, 18, 19, 24 and 25** are rejected.

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10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ismailov et al. (U.S. Patent Number **6,456,603 B1**), hereinafter referenced to as Ismailov in view of Cotner et al. (U.S. Patent Number **6,247,055 B1**) hereinafter referenced to as Cotner and further in view of Kavak (U.S. Patent Number **6,822,963 B1**) hereinafter referenced to as Kavak.

The combination of Ismailov and Cotner taught the invention substantially as claimed, however the combination of Ismailov and Cotner did not teach specific details regarding sending a first communication comprising information to facilitate a second communication.

Kavak, in the same field of invention, related to client-server communication (**see “Field of Invention”**), taught a transmission system sending information to facilitate a second communication within a first communication path (**claims 1 and 9**).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of the combination of Ismailov and Cornet with the teachings of Kavak, motivated by Kavak to explore the art of TCP/IP communication (**abstract**), in order to provide a systems that is able to restore communication sessions to complete data transmission and further transmits, within a first communication, information or data to facilitate a second communication.

11. Since all the limitations of claimed invention were disclosed by the combination of Ismailov, Cotner and Kavak, claim 7 is rejected.

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12. Claims **8, 9, 20 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismailov et al. (U.S. Patent Number **6,456,603 B1**), hereinafter referenced to as Ismailov in view of Cotner et al. (U.S. Patent Number **6,247,055 B1**) hereinafter referenced to as Cotner and further in view of Eldreth (U.S. Patent Number **6,721,795 B1**) hereinafter referenced to as Eldreth.

The combination of Ismailov and Cotner taught the invention substantially as claimed, however the combination of Ismailov and Cotner did not teach specific details regarding conditions based on time measured from previous communication and requests frequency.

Eldreth, in the same field of invention, related to client-server communication (**column 1 lines 25-31**) taught a selection process based on conditions that comprise selection conditions based on time measured from previous communication and requests frequency (**column 10 lines 25-35**).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of the combination of Ismailov and Cornet with the teachings of Eldreth, motivated by Eldreth to explore the art of wireless communication (**column 1 lines 24-38**), in order to provide a systems that is able to restore communication sessions to complete data transmission and further comprises selection conditions based on time measured from previous communication and requests frequency.

13. Since all the limitations of claimed invention were disclosed by the combination of Ismailov, Cotner and Audebert, claims **8, 9, 20 and 21** are rejected.


Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 for details.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931. The examiner can normally be reached on Monday through Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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